

I. Call Meeting to Order

Mayor Charles Henderson called the meeting to order at 7:00 p.m.

The audience recited the Pledge of Allegiance in unison after which Reverend Rodney Craggs, Chaplain of Community Hospital South, led in prayer.

PRESENT: Council Members Bruce Armstrong, Ron Bates, Brent Corey, Ron Deer, Linda Gibson, Monica Magna-Rees, and Tim McLaughlin; Clerk Treasurer Jeannine Myers; City Attorney Shawna Koons.

II. Minutes of the Regular Meeting on June 7th, 2010

Mr. Bates moved to approve the regular meeting minutes of the Greenwood Common Council of May 17th, 2010. Second by Ms. Magna-Rees. **Vote: Ayes. Motion carries.**

III. Unfinished Business

A. Items from the City Attorney

City Attorney Shawna Koons asked the Council Members if they had received the copy of the report on the Matters of Litigation, and if there were any questions.

B. Committee Reports

Ms. Gibson stated that there was not a Planning Commission meeting.

Mr. Deer stated that the Meet and Confer Committee met and it was a successful first meeting.

Ms. Magna-Rees asked when the next Sign Code meeting would be. Mr. Corey replied that it will be on July 28th 2010.

IV. Ordinances and Resolutions in Process

1. First Reading

RESOLUTION NO. 10-06 - A RESOLUTION OF THE GREENWOOD COMMON COUNCIL TO AMEND RESOLUTION NO. 09-23, "A RESOLUTION TO ADOPT AND APPROVE THE PLAN OF REORGANIZATION BETWEEN THE CITY OF GREENWOOD AND WHITE RIVER TOWNSHIP AS PRESENTED BY THE WHITE RIVER TOWNSHIP-GREENWOOD REORGANIZATION COMMITTEE AND TO PLACE SUCH PLAN OF REORGANIZATION FOR A PUBLIC VOTE PURSUANT TO I.C. 36-1.5-4-28", AND TO ADOPT AND APPROVE THE PLAN OF REORGANIZATION AS AMENDED *PUBLIC HEARING*

Moved by Ms. Gibson. Second by Mr. Corey. Opened for public hearing. City Attorney Shawna Koons stated that there were typographical errors that need to be amended. Mr. Corey moved to amend the typographical errors on pages seven and eight. Second by Mr. McLaughlin. **Vote: Ayes. Motion to amend passes.**

Greg Reinbold stated that he had expressed his disappointment to White River Township Board Member Mark Messick that the public was unable to vote on May 4th 2010 and asked who instructed the Clerk Treasurer not to file the Resolution. Mayor Charles Henderson replied that he was not sure that anyone did and stated that he personally never wanted it to be on the May ballot. It also seemed like the public did not have enough information yet and that he had received many questions and concerns. Mayor Charles Henderson stated that there was conversation that took place to move it to the November ballot. The Council had discussed it and agreed to move it to the November ballot. The White River Township Board also agreed to move it to November. Mayor Charles Henderson stated that he wasn't sure that anyone instructed the Clerk Treasurer not to file it, and stated that he was also unsure that she was ever presented with a document that was ready to be filed. Mr. Deer stated that it was not on the ballot because the Council agreed to delay it until November. Ms. Gibson stated that the White River Township Board also agreed to that. Mr. Deer stated that it was a four to three vote to approve delaying it until November. Mr. Reinbold stated that he did not find a formal roll call. Mr. Reinbold stated his many concerns and questions and asked if the City Attorney could

answer legal questions regarding the process. Mayor Charles Henderson stated that the City Attorney only gives legal counsel to the Mayor and the Common Council. Mr. Reinbold stated that at the February 15th 2010 meeting the Council had given their consensus to have it in the November ballot and asked if that is enough or if there should have been roll call taken. Mayor Charles Henderson stated that he had always argued for the position to have it on the November ballot and didn't think the public had enough time to get all the facts. Mayor Charles Henderson stated that it was a consensus of the Council which has been used before. Mr. Bates stated that it was not a roll call vote but the Council did have a consensus. Ms. Gibson confirmed that another reason that people wanted to wait until November was due to a question of who could vote and the impending law suit regarding that. Mayor Charles Henderson stated that he thought a vote had taken place but there was a consensus by the Council. Clerk Treasurer Jeannine Myers asked for confirmation that for the record this was not filed based on direction from the Council. Mr. Corey stated that it was not filed because there was a consensus of the Council to put it off. Mr. Deer stated that the Clerk Treasurer was instructed not to file it. Mr. Armstrong stated that the Clerk Treasurer had been instructed to have it on the November ballot and there was nothing done other than what the Council had instructed to be done. Mayor Charles Henderson stated that now amendments are being made. City Attorney Shawn Koons stated that the Reorganization Committee has to present a plan to the legislative bodies which have up to one year from the presentation of the plan to adopt the plan. Mr. Deer stated that one of the steps is that the Council must instruct filing this and confirmed that it must be filed sixty days before the election. Clerk Treasurer Jeannine Myers asked for clarification as to how she will know when to file it. Mr. Bates stated that it depends on if the White River Township approves it or amends it also. Mr. Corey replied that the Council will give instruction as to when to file the resolution.

Mike Shaver, President of Wabash Scientific, stated that he had been asked by the Bargersville Town Council to give a written testimony regarding the merger plan. Mr. Shaver read the testimony which requested that the Common Council either recognize Bargersville's annexations or not approve the merger plan. The testimony also asked that all residents of White River Township would be allowed to vote on the merger. Mayor Charles Henderson stated that he believes that the annexations are a separate issue from the merger. Further discussion regarding Bargersville's requests and opinions followed along with what areas will be able to vote. Mr. Deer asked for clarification as to what capacity Mr. Shaver was there for. Mr. Shaver stated that the town had hired him as a consultant.

Mr. Reinbold asked when the appeal process and some of the legal questions might be answered. City Attorney Shawna Koons replied that she anticipates there will be an opinion from the appellate court on the State Road 135 dispute by mid July.

Ms. Gibson asked if there were still going to be meetings for the residents to receive more information on the merger. Ms. Gibson also asked what the outcome was of the last meetings with Bargersville. Mayor Charles Henderson replied that he had met with Steve Welch, Town Council Vice President, along with Mr. Shaver and tried to come to a reasonable agreement on boundaries. They said they would get back with the Mayor but there was no contact made.

Dick Huber, White River, asked that before they are asked to merge he would like to know what the plan is for the sign code. Mayor Charles Henderson stated that the sign code is strict and there is another meeting to discuss it on July 7th 2010.

Public hearing closed. Ms. Gibson asked why the tax rate had changed but not the population in the amended plan. Pat Sherman, White River Township / Greenwood Reorganization Committee Chairperson, replied that the population was not changed because the census was so close.

Mr. Deer clarified that if the Council approves the Plan of Reorganization it only means that the Plan is approved and the citizens get to decide on merging.

Mayor Charles Henderson called for a vote on Resolution No. 10-06 as amended. **Vote: Ayes: Mr. Bates, Mr. Corey, Mr. Deer, Ms. Gibson, and Mr. McLaughlin. Nays: Ms. Magna-Rees, and Mr. Armstrong.**

Mayor Charles Henderson stated that he has the utmost respect for the Town of Bargersville and the elected officials. Mayor Charles Henderson stated that he believes Mr. Shaver wrote the letter and not Bargersville. Mr. Corey stated that Mr. Shaver stated that he had written the letter

himself. Mayor Charles Henderson stated that Mr. Shaver was disrespectful. Mr. Armstrong stated that the letter was disrespectful.

ORDINANCE NO. 10-21 – AN ORDINANCE VACATING A PLATTED DRAINAGE AND UTILITY EASEMENT ON LOT 3 SURINA PARK 31 COMMERCIAL SUBDIVISION *PUBLIC HEARING*

Moved by Mr. Bates. Second by Mr. Corey. Opened for public hearing. Brian Fikey, Fifty Percent Share Holder in RPS Midwest Holdings, appeared regarding the request to vacate. Mr. Fikey was concerned the change in drainage would adversely affect his adjoining property. Director of Community Development Services and City Engineer Mark Richards explained that the City's development ordinances would not permit that. Mayor Charles Henderson stated this went before the Board of Public Works and Safety which gave a favorable recommendation to the Council to approve vacating. City Attorney Shawna Koons stated that the petition was also considered by the Plan Commission and given a favorable recommendation. Public hearing closed. **Vote: Ayes. Passed first reading.**

ORDINANCE NO. 10-22 – AN ORDINANCE TO AMEND GREENWOOD COMMON COUNCIL ORDINANCE NO. 99-14, THE APPROVAL OF A NON-EXCLUSIVE LICENSE AGREEMENT, TO EXPAND THE AREA COVERED BY THE LICENSE AGREEMENT

Moved by Mr. Bates. Second by Mr. McLaughlin. **Vote: Ayes. Passed first reading.**

2. Second Reading

ORDINANCE NO. 10-19 – AN ORDINANCE AMENDING THE 2010 SALARY ORDINANCE, COMMON COUNCIL ORDINANCE NO. 09-25, TO ADJUST THE ANNUAL SALARIES FOR POST CONVICTION SERVICES DEPARTMENT PROBATION OFFICERS, IN COMPLIANCE WITH THE JUDICIAL CONFERENCE OF INDIANA

Moved by Mr. Bates. Second by Mr. Corey. **Vote: Ayes. Passed second reading.**

RESOLUTION NO. 10-05 – A RESOLUTION OF THE GREENWOOD COMMON COUNCIL EXPRESSING INTEREST IN THE PURCHASE OF LAND

Moved by Mr. Bates. Second by Mr. Deer. **Vote: Ayes. Passed second reading.**

3. New Business

ORDINANCE NO. 10-23 - AN ORDINANCE TO AMEND GREENWOOD COMMON COUNCIL ORDINANCE NO. 06-40, THE APPROVAL OF A NON-EXCLUSIVE LICENSE AGREEMENT WITH INDIANA FIBER NETWORK, TO EXPAND THE AREA COVERED BY THE LICENSE AGREEMENT

V. Miscellaneous Business

A. Council

Mr. Corey stated that the Freedom Festival is Saturday June 26th and the Old Town Greenwood Street Fair will be from 9:00 a.m. to 4:00 p.m. at the football field by the Library.

Ms. Gibson stated that Flags for Greenwood will be selling patriotic stars and the booth needs volunteers to help.

B. Clerk Treasurer

Clerk Treasurer Jeannine Myers stated that she had received approval from the Department of Local Government and Finance for the additional appropriation ordinances 10-13 and 10-17.

C. City Attorney

City Attorney Shawna Koons presented the following Compliance with Statement of Benefits forms for Tax Abatements for approval:

- 1) Keronite, Inc.

City Attorney Shawna Koons stated that the Council had requested that a representative appear at this meeting but there wasn't one in attendance. Discussion regarding the company not meeting the requirements followed. Mr. Corey stated that a representative needs to be at the next meeting on July 7th 2010. City Attorney Shawna Koons stated that it has to be filed by July 1st 2010. Mr. Armstrong stated that the completion date is December 31st 2011. Mr. Corey stated that he would make a personal call. Mr. Armstrong stated that since the completion date is in the future they are in substantial compliance at the moment otherwise a special meeting would have to be scheduled. Mr. Armstrong moved to find Keronite Inc. in substantial compliance due to the estimated completion date which has not yet been met and that they provide more accurate reporting. Second by Mr. Bates. Mr. Corey stated that a representative should still come to the next meeting. **Vote: Ayes: Mr. McLaughlin, Mr. Armstrong, Mr. Bates, Mr. Deer, Ms. Gibson, and Ms. Magna-Rees. Nay: Mr. Corey. Motion carries.**

2) Nachi America, Inc.

Moved by Mr. Bates. Second by Mr. Corey. **Vote: Ayes. Motion carries.**

3) Nachi Tools America

Mr. Armstrong stated that they did not meet the required number of employees. Moved by Mr. Bates. Second by Ms. Gibson. **Vote: Ayes: Mr. Bates, Mr. Corey, Mr. Deer, Ms. Gibson, Ms. Magna-Rees, and Mr. McLaughlin. Nay: Mr. Armstrong. Motion carries.**

City Attorney Shawna Koons presented the following Uniform Conflict of Interest Disclosure Statement:

Rodney Johnson, Division Chief of the Greenwood Fire Department, for his company Risk Management Associates, which provides training and education on fire inspection and fire inspection codes, for any business he may do with his private company for the City.

Moved by Mr. Bates. Second by Mr. Corey. **Vote: Ayes. Motion carries.**

D. Audience

None.

E. Mayor

Mayor Charles Henderson stated that the letter addressed to the Greenwood Council, written by Mr. Shaver, was not signed by the Bargersville Council. There are statements that are not factual. Mr. Corey stated that he would work on a response letter and send a draft to the Council Members. Mayor Charles Henderson stated that the Merger Committee should also be a part of this as they were mentioned often in the letter.

VI. Adjournment

With no further business, the meeting adjourned at 8:21 p.m.

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Approved by the Common Council of the City of Greenwood, Indiana, this 7th day of July, 2010.

Charles E. Henderson
Mayor Charles Henderson

Jeannine Myers
Clerk Treasurer Jeannine Myers

